

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALLSTATE INDEMNITY COMPANY, an	)	
Illinois Corp, ALLSTATE PROPERTY AND	)	
CASUALTY CO., an Illinois Corp.,	)	No. 2:15-cv-00937 RAJ
	)	
Plaintiffs,	)	
	)	KING COUNTY'S ANSWER TO
vs.	)	PLAINTIFFS' COMPLAINT FOR
	)	DECLARATORY JUDGMENT
MOLLY REEVE, a single woman, WAYNE	)	
ROSS and SUSAN ROSS, individually and their	)	AND
marital community, KING COUNTY, a	)	
Washington State government entity,	)	JURY DEMAND
	)	
Defendants.	)	
	)	

Defendant KING COUNTY, in answer to Plaintiffs' Complaint for Declaratory Judgment, admits, denies, and asserts affirmative defenses as follows. All allegations not specifically admitted are denied. King County's answers correspond with the paragraph number in Plaintiff's Complaint.

I. PARTIES AND JURISDICTION

1. Answering paragraph 1 of plaintiffs' complaint, defendant King County leaves the matter of jurisdiction to the Court.

1           2.       Answering paragraph 2 of plaintiffs' complaint, defendant King County lacks  
2 sufficient information to form a belief as to the truth or falsity of the allegations contained  
3 therein and, therefore, denies the same.

4           3.       Answering paragraph 3 of plaintiffs' complaint, defendant King County admits  
5 only that, according to their respective employment records, it appears that defendants Molly  
6 Reeve and Wayne Ross currently reside in Snohomish County in the State of Washington.  
7 Defendant King County lacks sufficient information to form a belief as to the truth or falsity of  
8 the remaining allegations contained in paragraph 3 of plaintiffs' complaint and, therefore, denies  
9 the same.

10          4.       Answering paragraph 4 of plaintiffs' complaint, defendant King County admits  
11 only that King County is a home rule charter county operating under the laws of the State of  
12 Washington.

13          5.       Answering paragraph 5 of plaintiffs' complaint, defendant King County lacks  
14 sufficient information to form a belief as to the truth or falsity of the allegations contained  
15 therein and, therefore, denies the same.

16                   II.       UNDERLYING COMPLAINT IN KING COUNTY

17          6.       Answering paragraph 6 of plaintiffs' complaint, defendant King County admits  
18 the allegations contained therein.

19          7.       Answering paragraph 7 of plaintiffs' complaint, based upon information and  
20 belief defendant King County admits the allegations contained therein.

21          8.       Answering paragraph 8 of plaintiffs' complaint, this paragraph simply repeats  
22 allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
23 allegations were answered by King County as follows:

1           8.       *Answering paragraph 8 of the Complaint, King County admits the*  
2           *allegations contained therein.*

3           9.       *Answering paragraph 9 of the Complaint, King County admits the*  
4           *allegations contained therein.*

5           10.      *Answering paragraph 10 of the Complaint, King County admits*  
6           *the allegations contained therein.*

7           11.      *Answering paragraph 11 of the Complaint, King County admits*  
8           *the allegations contained therein.*

9           9.       Answering paragraph 9 of plaintiffs' complaint, this paragraph simply repeats  
10          allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
11          allegations were answered by King County as follows:

12               12.      *Answering paragraph 12 of the Complaint, King County denies the*  
13               *allegations contained therein.*

14           10.      Answering paragraph 10 of plaintiffs' complaint, this paragraph simply repeats  
15          allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
16          allegations were answered by King County as follows:

17               16.      *Answering paragraph 16 of the Complaint, King County admits*  
18               *that on May 12, 2013 Ross was on break at the Aurora Village Transit*  
19               *Center, that he had a conversation with Plaintiff Reeve, that he boarded*  
20               *Reeve's bus and later de-boarded her bus. King County is without*  
21               *sufficient knowledge or information sufficient to form a belief as the truth*  
22               *of the remaining allegations in paragraph 16 of the Complaint and*  
23               *therefore denies them.*

11. Answering paragraph 11 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

*17. Answering paragraph 17 of the Complaint, King County admits that on Monday May 13, 2013 Reeve went to work and chose her bus route. King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 17 of the Complaint and therefore denies them.*

*18. Answering paragraph 18 of the Complaint, King County admits that Plaintiff Reeve did not immediately report the incident with Defendant Ross. King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 18 of the Complaint and therefore denies them.*

*19. Answering paragraph 19 of the Complaint, King County admits that Plaintiff Reeve was not scheduled to work on May 14, 15, and 16, 2013 and that she returned to work on May 17, 2013. King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 19 of the Complaint and therefore denies them.*

12. Answering paragraph 12 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

20. *Answering paragraph 20 of the Complaint, King County admits that at some time in May 2013, Plaintiff Reeve filed a police report. King County further admits that Plaintiff Reeve contacted a shop steward, Cheryl Rowe, and that at some later time a Base Chief was informed about Reeve's complaint about Defendant Wayne Ross. King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 20 of the Complaint and therefore denies them.*

21. *Answering paragraph 21 of the Complaint, King County admits that Reeve contacted a supervisor and that a Base Chief drove to North Base and spoke with Reeve. King County also admits that Reeve was relieved of duty with pay and during her leave King County investigated her complaint about Wayne Ross. King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 21 of the Complaint and therefore denies them.*

13. Answering paragraph 13 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

22. *Answering paragraph 22 of the Complaint, King County denies the allegations contained therein.*

23. *Answering paragraph 23 of the Complaint, King County admits that Reeve filed a claim with King County Safety & Claims which, as a self-insured employer, constitutes a claim with the Washington*

*Department of Labor & Industries for workers compensation. King County also admits that Reeve received compensation under her claim. King County also admits that Wayne Ross was suspended from work for two weeks. All other allegations in paragraph 23 of the Complaint are denied.*

*24. Answering paragraph 24 of the Complaint, King County denies the allegations contained therein.*

*25. Answering paragraph 25 of the Complaint, King County is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 25 of the Complaint and therefore denies them.*

14. Answering paragraph 14 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

*26. Answering paragraph 26 of the Complaint, King County admits only that Reeve has filed three untimely security incident reports. All other allegations in paragraph 26 of the Complaint are denied.*

15. Answering paragraph 15 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

*27. Answering paragraph 27 of the Complaint, King County notes that the allegations contained therein are not directed at King County, but to a Ms. Ross who is a third-party and not a King County employee. King*

1            *County is not required to answer the allegations contained in paragraph*  
2            *27 of the Complaint, however, to the extent an answer is required, King*  
3            *County is without knowledge or information sufficient to form a belief as*  
4            *to the truth or falsity of the allegations in paragraph 27 of the Complaint*  
5            *and therefore denies them.*

6            16.     Answering paragraph 16 of plaintiffs' complaint, this paragraph simply repeats  
7            allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
8            allegations were answered by King County as follows:

9            28.     *Answering paragraph 28 of the Complaint, King County admits*  
10           *that Plaintiff Reeve received an extension of a civil protection anti-*  
11           *harassment order effective December 8, 2014. All other allegations in*  
12           *paragraph 28 of the Complaint are denied.*

13           29.     *Answering paragraph 29 of the Complaint, King County is without*  
14           *knowledge or information sufficient to form a belief as to the truth or*  
15           *falsity of the other allegations in paragraph 29 of the Complaint and*  
16           *therefore denies them.*

17           17.     Answering paragraph 17, including subparagraphs 17.1-17.7, defendant King  
18           County admits that such paragraph accurately sets forth the causes of action in Molly Reeve's  
19           complaint against Wayne Ross and King County.

20           18.     Answering paragraph 18 of plaintiffs' complaint, this paragraph simply repeats  
21           allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
22           allegations were answered by King County as follows:

31. Paragraph 31 of the Complaint contains statements or conclusions of law that King County is not required to admit or deny. If an answer is required, King denies the allegations in paragraph 31 of the Complaint.

32. Paragraph 32 of the Complaint contains statements or conclusions of law that King County is not required to admit or deny. If an answer is required, King County denies the allegations in paragraph 32 of the Complaint.

33. Paragraph 33 of the Complaint contains statements or conclusions of law that King County is not required to admit or deny. If an answer is required, King County denies the allegations in paragraph 33 of the Complaint.

19. Answering paragraph 19 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

39. Paragraph 39 of the Complaint contains statements or conclusions of law that King County is not required to admit or deny. If an answer is required, King County denies the allegations in paragraph 39 of the Complaint.

20. Answering paragraph 20 of plaintiffs' complaint, this paragraph simply repeats allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which allegations were answered by King County as follows:

41. Paragraph 41 of the Complaint contains statements or conclusions of law that King County is not required to admit or deny. If an answer is



1           *required, King County denies the allegations in paragraph 41 of the*  
 2           *Complaint.*

3           42.     *Paragraph 42 of the Complaint contains statements or conclusions*  
 4           *of law that King County is not required to admit or deny. If an answer is*  
 5           *required, King County denies the allegations in paragraph 42 of the*  
 6           *Complaint.*

7           21.     Answering paragraph 21 of plaintiffs' complaint, this paragraph simply repeats  
 8           allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
 9           allegations were answered by King County as follows:

10           44.     *Paragraph 44 of the Complaint contains statements or conclusions*  
 11           *of law that King County is not required to admit or deny. If an answer is*  
 12           *required, King County denies the allegations in paragraph 44 of the*  
 13           *Complaint.*

14           45.     *Paragraph 45 of the Complaint contains statements or conclusions*  
 15           *of law that King County is not required to admit or deny. If an answer is*  
 16           *required, King County denies the allegations in paragraph 45 of the*  
 17           *Complaint.*

18           46.     *Paragraph 46 of the Complaint contains statements or conclusions*  
 19           *of law that King County is not required to admit or deny. If an answer is*  
 20           *required, King County denies the allegations in paragraph 46 of the*  
 21           *Complaint.*

22           22.     Answering paragraph 22 of plaintiffs' complaint, defendant King County admits  
 23           the allegations contained therein.

1           23.     Answering paragraph 23 of plaintiffs' complaint, defendant King County admits  
2 the allegations contained therein.

3           24.     Answering paragraph 24 of plaintiffs' complaint, this paragraph simply repeats  
4 allegations from Molly Reeve's lawsuit against Wayne Ross and King County Metro, which  
5 allegations were answered by King County as follows:

6                   52.     *Paragraph 52 of the Complaint contains statements or conclusions*  
7                   *of law that King County is not required to admit or deny. If an answer is*  
8                   *required, King County denies the allegations in paragraph 52 of the*  
9                   *Complaint.*

10                  53.     *Paragraph 53 of the Complaint contains statements or conclusions*  
11                  *of law that King County is not required to admit or deny. If an answer is*  
12                  *required, King County denies the allegations in paragraph 53 of the*  
13                  *Complaint.*

14                  54.     *Paragraph 54 of the Complaint contains statements or conclusions*  
15                  *of law that King County is not required to admit or deny. If an answer is*  
16                  *required, King County denies the allegations in paragraph 54 of the*  
17                  *Complaint.*

18                  55.     *Paragraph 55 of the Complaint contains statements or conclusions*  
19                  *of law that King County is not required to admit or deny. If an answer is*  
20                  *required, King County denies the allegations in paragraph 55 of the*  
21                  *Complaint.*

III. INSURANCE POLICY PROVISIONS

25. Answering paragraph 25 of plaintiffs' complaint, defendant King County admits only that such paragraph appears to correctly recite provisions from the Allstate Homeowners Policy attached as Exhibit 2 to plaintiffs' complaint.

26. Answering paragraph 26 of plaintiffs' complaint, defendant King County admits only that such paragraph appears to correctly recite provisions from the Personal Umbrella Policy attached as Exhibit 3 to plaintiffs' complaint.

IV. DECLARATORY JUDGMENT ACTION

27. Answering paragraph 27 of plaintiffs' complaint, defendant King County denies the allegations contained therein.

28. Answering paragraph 28 of plaintiffs' complaint, such paragraph contains statements or conclusions of law that King County is not required to admit or deny. Additionally, these allegations are not directed at defendant King County.

29. Answering paragraph 29 of plaintiffs' complaint, such paragraph contains statements or conclusions of law that King County is not required to admit or deny. Additionally, these allegations are not directed at defendant King County.

30. Answering paragraph 30 of plaintiffs' complaint, defendant King County admits the first sentence contained therein. The remaining allegations in paragraph 30 contain statements or conclusions of law that King County is not required to admit or deny. Additionally, these allegations are not directed at defendant King County.

31. Answering paragraph 31 of plaintiffs' complaint, such paragraph contains statements or conclusions of law that King County is not required to admit or deny. Additionally, these allegations are not directed at defendant King County.

1           32.     Answering paragraph 32 of plaintiffs' complaint, such paragraph contains  
2 statements or conclusions of law that King County is not required to admit or deny.  
3 Additionally, these allegations are not directed at defendant King County.

4           Defendant King County makes no response to plaintiffs' prayer for relief because such  
5 prayer is not directed at defendant King County.  
6

7           BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, King County  
8 alleges as follows:

- 9           1.     Plaintiffs have failed to state a claim against King County for which relief can be  
10                 granted.
- 11           2.     Plaintiffs' claims may be barred, in whole or in part, by their failure to mitigate  
12                 damages.
- 13           3.     Defendant King County reserves the right to add any additional affirmative  
14                 defenses as they may become known through the discovery process.

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1 WHEREFORE, King County prays that Plaintiffs take nothing by their Complaint against  
2 King County, that the Complaint be dismissed with prejudice, that King County be awarded its  
3 costs and reasonable attorney's fees incurred herein, and any other relief the court may deem just  
4 and equitable.

5 **JURY DEMAND**

6 Defendant King County demands a jury trial.

7  
8 DATED this 15th day of July, 2015.

9 DANIEL T. SATTERBERG  
King County Prosecuting Attorney

10 /s/JESSICA HARDUNG KOZMA  
11 JESSICA HARDUNG KOZMA, WSBA #30416  
12 Senior Deputy Prosecuting Attorney  
13 Attorneys for Defendant King County  
King County Prosecuting Attorney  
500 Fourth Avenue, Suite 900  
Seattle, WA. 98104  
14 (206) 296-8820 Fax (206) 296-8819  
[jessica.kozma@kingcounty.gov](mailto:jessica.kozma@kingcounty.gov)  
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**DECLARATION OF FILING AND SERVICE**

I hereby certify that on July 15, 2015, I electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Douglas F. Foley  
Vernon Scott Finley  
Douglas Foley & Associates  
13115 NE 4<sup>th</sup> Street Ste 260  
Vancouver, WA 98684  
Email: [doug.foley@dougfoleylaw.com](mailto:doug.foley@dougfoleylaw.com)  
Email: [vernfinley@gmail.com](mailto:vernfinley@gmail.com)

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 15<sup>th</sup> day of July, 2015 at Seattle, Washington.

s/ DEBBIE WU  
Debbie Wu  
Paralegal  
King County Prosecuting Attorney's Office